



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Imaging Equipment Services, Inc.

**File:** B-257020

**Date:** May 9, 1994

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### DECISION

Imaging Equipment Services, Inc. (IES) protests the award of a contract to Picker International by the Department of Veterans Affairs (VA) under solicitation No. 670-12-93.

We dismiss the protest.

The VA received four proposals by the August 5, 1993, proposal due date. IES' proposal took exception to several of the solicitation requirements and the VA contacted IES to query if these exceptions should be considered a protest. IES responded that "there are areas of the solicitation that we have chosen to except." On October 18, the VA found IES to be unacceptable based on the exceptions to the solicitation requirements and excluded it from the competitive range. Best and final offers were requested, and received, from the remaining three offerors in the competitive range. VA made award to Picker on March 31.

IES states that its offer should not have been rejected since the solicitation requirements to which it took exception in its proposal were unreasonable and burdensome. This argument is untimely since protests of allegedly improper solicitation provisions must be filed prior to the deadline for receipt of proposals. 4 C.F.R. § 21.2(a)(1).

IES also challenges the award to Picker. However, under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Since IES' proposal was rejected as unacceptable, it is not in line for award, and thus is not an interested party eligible to protest the award.

A handwritten signature in black ink, appearing to read "John M. Melody". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Melody  
Acting Associate General Counsel